

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Fourth Judicial District Court, County of Missoula

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-18-617
	)	
	)	D E C I S I O N
JULIAN GILBERTO MATTY,	)	
	)	
Defendant.	)	

On October 30, 2018, the District Court sentenced the Defendant as follows: Five (5) years to the Montana State Prison, for the offense of Count I: Strangulation of Partner or Family Member; and One (1) year in the Missoula County Detention Center, for the offense of Count II: Partner or Family Member Assault (1<sup>st</sup> Offense), a misdemeanor. Counts I and II were ordered to run concurrently with each other and with the sentence imposed in Missoula County Cause No. DC-11-442. The Court granted credit for time served in the amount of thirty-five (35) days.

On May 3, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 3<sup>rd</sup> day of May, 2019.

DATED this 30<sup>th</sup> day of May, 2019.

SENTENCE REVIEW DIVISION

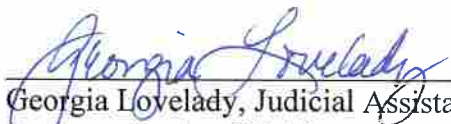
  
\_\_\_\_\_  
Hon. Brenda Gilbert, Chairperson

  
\_\_\_\_\_  
Hon. Dan Wilson, Member

  
\_\_\_\_\_  
Hon. Luke Berger, Member

Copies mailed this 4<sup>th</sup> day  
of June, 2019, to:

Clerk of District Court (Original)  
Julian Gilberto Matty #3010142, Defendant (2)  
Hon. Karen Townsend  
Brent Getty, Defense Counsel  
Lacey Lincoln, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.

  
\_\_\_\_\_  
Georgia Lovelady, Judicial Assistant  
Sentence Review Division